

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

**Civ. No. 12-836**

ARENAL RD SW,  
ALBUQUERQUE, NEW MEXICO 87105,

MORE PARTICULARLY DESCRIBED AS:  
\*001 006 RAMIREZ ADDITION,  
PARCEL ID: 101105530526620343,

*Defendant,*

*and*

WILLIAM D. FOLLETT AND  
KENNETH B. WOODY,

*Claimants.*

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

Plaintiff states:

**JURISDICTION AND VENUE**

1. This is a civil action *in rem* for forfeiture of defendant which is located in the District of New Mexico; and during the pendency of this action defendant, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The "res" or property which is the subject of this action consists of a parcel of real estate, including the residence, garage, outbuildings, and all other appurtenances thereto and

fixtures and improvements thereon, located on Arenal Rd SW, Albuquerque, New Mexico 87105 and more particularly described as:

\*001 006 RAMIREZ ADDITION  
PARCEL ID: 101105530526620343

(hereafter referred to as "Defendant Property.")

#### **PARTIES AND CLAIMANTS**

5. The following persons may claim an interest in Defendant Property:
  - (a). William D. Follett at 905 Hawk Dr. SW, Albuquerque, NM 87121;
  - (b). Kenneth B. Woody at 12522 Iroquois Pl. NE, Albuquerque, NM 87112.

#### **STATEMENT OF FACTS**

6. Drug Enforcement Administration (DEA) began an investigation on the Zazueta Drug Trafficking Organization (DTO). DEA discovered the source of supply of methamphetamine, Angel Marquez-Hernandez, and two distributors of methamphetamine identified as Richard Tafoya and Pete Chavez. During the DEA investigation, a DEA agent, acting in an undercover capacity, purchased methamphetamine on two different occasions from Jose Rafael Zazueta.

7. On May 11, 2011, the undercover DEA Agent purchased 442.1 gross grams methamphetamine from Zazueta and an unknown Hispanic male for approximately \$14,000. Immediately following the drug transaction, DEA agents followed Zazueta and an unknown Hispanic male back to Zazueta's residence where Zazueta was observed being dropped off.

8. On June 9, 2011, an undercover DEA Agent purchased approximately 486.6 gross

grams of methamphetamine from Zazueta, for approximately \$16,000. The DEA Agents followed Zazueta back to his residence where agents also observed Angel Marquez-Hernandez (who was later identified as Zazueta's source of supply of methamphetamine) at Zazueta's residence to likely collect drug proceeds for the pound of methamphetamine sold to the undercover DEA Agent.

9. On July 18, 2011, DEA surveillance was established in conjunction with a Federal wire tap. DEA Agents observed Zazueta depart Raza Tile in a green Ford Expedition and arrive at Zazueta's residence. At approximately 5:13p.m., DEA Agents observed a gold Chevy Impala arrive at the residence driven by Marquez-Hernandez. According to the intercepted phone call Marquez-Hernandez had plans to stop by Zazueta's residence on July 18, 2011, to either drop off an unknown amount of methamphetamine or advance an unknown amount of methamphetamine to Zazueta.

10. On July 26, 2011, pursuant to a federal wire intercept, DEA Agents observed Pete Chavez who is believed to be a distributor of methamphetamine arrive at Zazueta's residence. According to the intercepted phone call Chavez asked Zazueta for his whereabouts, and Zazueta was at home. Chavez stated that he was outside Zazueta's residence. Zazueta invited Chavez inside his residence. The DEA Agent believed, based on his training and experience, Chavez stopped by Zazueta's residence in order to either pay for an unknown amount of methamphetamine from a previous drug deal and or have Zazueta advance an unknown amount of methamphetamine.

11. During the month of July and August of 2011, through the use of pole cameras and the Federal wire intercept, DEA Agent observed Tafoya make frequent trips to Zazueta's residence. Based on the DEA Agent's training and experience and that of other law enforcement

agents, Tafoya went to Zazueta's residence to collect an unknown amount of methamphetamine.

12. On September 21, 2011, DEA Agents conducted a buy/bust and seized approximately two pounds of methamphetamine from Zazueta. An undercover DEA Agent initiated a telephone call to Zazueta and informed Zazueta that he would be arriving in Albuquerque, NM, soon and wanted to know if Zazueta had the two pounds of methamphetamine ready for the undercover DEA Agent. Zazueta responded that he would have the two pounds available.

13. At approximately 12:59 p.m., DEA Agents observed a burgundy vehicle arrive at Zazueta's residence and observed Marquez-Hernandez and an unidentified Hispanic male exit the burgundy vehicle. During that time, Marquez-Hernandez was observed departing Zazueta's residence with the unidentified Hispanic male. At approximately 1:02 p.m., DEA Agents observed Zazueta depart his residence in a green Expedition. At the same time, the gold Chevy Impala (driven by Marquez-Hernandez) was observed departing in the opposite direction from Zazueta. Seconds later, DEA Agents observed Zazueta traveling north on Coors Blvd and Central and Marquez-Hernandez was observed traveling west on Central. Both Zazueta and Marquez-Hernandez were then observed seconds apart from each other at the intersection of Central and Coors Blvd. At approximately 1:08 p.m., Zazueta was observed arriving at the meet and greet location.

14. At approximately 1:15 p.m., on September 21, 2011, Zazueta met with the undercover DEA Agent. The undercover agent observed two pounds of methamphetamine, each one wrapped in a clear plastic bag stuffed inside cowboy boots. DEA agents then executed a buy/bust; seized the approximately two pounds of methamphetamine concealed inside the cowboy boots and arrested Zazueta, Marquez-Hernandez and the unidentified Hispanic male.

15. On September 21, 2011, DEA Agents and other law enforcement agents executed a search and seizure warrant at 1861 Atrisco Dr. SW, Albuquerque, NM (which is the mailing address; the physical address is "Arenal Rd SW, Albuquerque, NM 87105" without a street number). During the search of the residence, inside the master bedroom closet where Zazueta sleeps, DEA Agents found a clear plastic bag containing methamphetamine sticking out of the top of a cowboy boot.

16. In December of 2011, a Co-defendant (hereafter referred to as CD), corroborated the times he had picked up methamphetamine from Zazueta's residence. The CD stated that the majority of the times he had picked up methamphetamine from Zazueta's residence located at 1861 Atrisco Dr, SW, Albuquerque, NM, or Raza Tile, which at the time was located at 3000 Isleta Blvd., Albuquerque, New Mexico. At first, the CD would purchase half a pound of methamphetamine once per week for \$9,000. The drugs were wrapped in saran wrap and stuffed inside a plastic zip lock bag. Subsequently, the CD purchased at least two pounds of methamphetamine valued at \$36,000 every two weeks from Zazueta's residence and/or tile shop.

#### **CLAIM FOR RELIEF**

17. Defendant Property is subject to arrest and forfeiture to plaintiff under 21 U.S.C. § 881(a)(6) because it constitutes the proceeds of illegal drug trafficking, or is traceable thereto, or was used or intended to be used to facilitate a violation of the Controlled Substances Act..

18. Defendant Property is subject to arrest and forfeiture under 21 U.S.C. §

881(a)(7) because it was used or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of the Controlled Substances Act punishable by more than one year's imprisonment.

WHEREFORE: Plaintiff seeks arrest of Defendant Property and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimant and any Unknown Claimants to the Defendant Property, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES  
United States Attorney

A large, stylized handwritten signature in blue ink, likely belonging to Stephen R. Kotz, is written over the typed name and title.


STEPHEN R. KOTZ  
Assistant U.S. Attorney  
P.O. Box 607  
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**28 U.S.C. § 1746 DECLARATION**

I am a Special Agent with the Drug Enforcement Administration (DEA) who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: 7/30/2012

  
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Juan Carlos Bernal Vega, Special Agent  
Drug Enforcement Administration